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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, } No. CR 04-0317 MHP
Plaintiff, }
v. }
CHARLES EDWARD LEPP, }
Defendant. }
MOTION HEARING CONTINUANCE
STIPULATION AND
[PROPOSED] ORDER SETTING
A NEW HEARING DATE

1. The parties stipulated and agreed prior to the December 12, 2007, motion hearing that because (1) the defendants have filed a new motion dealing with the same facts as the motion to suppress and (2) and the government has not had an opportunity to respond because less than one week has passed since the filing and government counsel had a medical procedure on one of the those days, and (3) a witness for the government will be unavailable on December 12, the motion hearing date should be continued to January 16, 2008 at 9 a.m. The parties further stipulated and agreed that the ends of justice are served by the Court granting the above schedule so that continuity of all counsel can be maintained, and all counsel can further prepare themselves and their arguments. All parties ask that the Court find that this interest of justice outweighs the interest of the public and the defendants in a speedy trial, in accordance with Title 18, Sections

1 3161(h)(1)(I) and (8)(A), and B(iv),.

2 2. Accordingly, the United States and the defendant asked the Court to order that the
3 time from December 12, 2007 to January 16, 2008 at 9 a.m. be excluded under the Speedy Trial
4 Act.

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6 DATED: December 7, 2007.

7 Respectfully submitted,

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9 SCOTT N. SCHOOLS
10 United States Attorney

11 _____/s/
12 C. DAVID HALL
13 Assistant United States Attorney

14 _____/s/
15 MICHAEL HINCKLEY
16 Attorney for Mr. Lepp

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 04-0317 MHP
Plaintiff,)
v.)
CHARLES EDWARD LEPP,) (PROPOSED) ORDER
Defendant.)

GOOD CAUSE APPEARING, the Court finds that:

1. The ends of justice are served by the granting of the continuance of hearing date to January 16, 2008 at 9 a.m. The Court finds that such continuance is necessary so that the parties so that the government can respond to a related newly filed motion, all witnesses can be present, continuity of counsel is maintained, and counsel can prepare. This outweighs the interest of the public and the defendants in a speedy trial, in accordance with 18 U.S.C. §3161(h)(8)(A), (B)(iv).

2. The Court therefore finds the period from December 12, 2007 to January 16, 2008, is excluded from speedy trial calculations within the meaning of 18, U.S.C., Sections 3161(h)(1)(I)

[PROPOSED] ORDER

1 and 3161(h)(8), subsections (A) and (B)(iv).
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4 SO ORDERED.
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7 DATED: 12/7 _____, 2007
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